

### REMARKS

The Office action mailed 13 August 2007, has been received and its contents carefully noted. By this amendment, claims 25-35 have been canceled, claim 4 has been amended, and claim 36 has been added. Support may be found in the specification and the claims as originally filed. No statutory new matter has been added. Therefore, reconsideration and entry of the claims as amended is respectfully requested.

### Restriction Requirement

In the Office action mailed 13 August 2007, the Examiner required a restriction as follows:

- I. Claims 1- 24, drawn to a method of treating, preventing, inhibiting or modulation NFkB activation in a cell, classified in class 514, subclass 183.
- II. Claims 25-28, drawn to a method of inducing apoptosis in a cell or making the cell susceptible to apoptosis, classified in class 514, subclass 183.
- III. Claim 29, drawn to a method of inhibiting synthesis and proliferation in a cell, which comprises contacting the cell with rottlerin, classified in class 514, subclass 183.
- IV. Claim 30, drawn to a polypeptide sequence, classified in class 514, and subclass 183.
- V. Claims 31-35 drawn to a pharmaceutical composition comprising rottlerin and a pharmaceutically acceptable carrier, classified in class 524, subclass 193.

The Examiner deemed that the inventions of Groups I through V are distinct and unrelated to each other.

Applicants hereby elect to prosecute the claims of Invention I (claims 1-24), without traverse.

Applicants have added claim 36. New claim 36 is dependent upon the method claims of

Invention I and therefore falls within the subject matter of Invention I and should be examined with the claims of Invention I.

Applicants also reserve the right to pursue any canceled claims in a continuing application without prejudice or disclaimer.

### **Election of Species**

The Examiner also required an election of species. The specie are hereby elected as follows:

a. Polyphenolic compound – rottlerin

Claims 1, 3-22, and 36 are generic.

Claims 2, 23, and 24 read thereon.

b. Second polyphenolic compound – genistein

Claims 1-3, 6-24 and 36 are generic.

Claims 4 and 5 read thereon.

c. A cancer – pancreatic cancer

Claims 1-12, 14-24 and 36 are generic.

Claim 13 reads thereon.

d. An inflammatory disease – pancreatitis

Claims 1-16, 18-24 and 36 are generic.

Claim 17 reads thereon.

e. The act of the polyphenolic compound in claim 20 – apoptosis

Claims 1-19, 21-24 and 36 are generic.

Claim 20 reads thereon.

f. The act of the polyphenolic compound in claim 22 – caspase activation

Claims 1-21, 23-24 and 36 are generic.

Claim 22 reads thereon.

g. The action of rottlerin in claim 24 – inhibits nucleic acid synthesis

Claims 1-23 and 36 are generic.

Claim 24 reads thereon.

**37 C.F.R. 1.78(f) Acknowledgement**

Applicants respectfully submit that U.S. Patent No. 6,953,786 and the instant application do not have common ownership and that there are no other pending patents or applications which meet the requirements under 37 C.F.R. 1.78(f)(1). Therefore, it is believed that no submission under 37 C.F.R. 1.78(f) is required.

Confirmation that no submission under 37 C.F.R. 1.78(f) is required is respectfully requested.

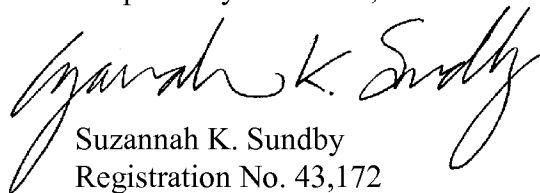
5 September 2007

### CONCLUSION

This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. The right to file one or more divisional applications to the non-elected groups is respectfully reserved. Accordingly, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to our **Deposit Account No. 02-4300**, Attorney Docket No. **034044.021CIP1**.

Respectfully submitted,



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